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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Nauru

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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I. Treaty ratification (Rec: 85.1, 85.2, 85.3, 85.4, 85.5, 85.6, 85.7, 85.8, 85.9, 85.10, 85.11, 85.12, 85.13, 85.14, 85.15, 85.16, 85.17, 85.18, 85.19, 85 20)

1. The Government of Nauru supports the recommendations to ratifying the Core Human Rights Instruments and will prepare strategies for treaty ratification and accession in conjunction with advice and support from the Working Group on Treaties. Nauru would like to reiterate that it will hold consultations and awareness programs on the treaties with communities and relevant stakeholders before taking the steps towards ratification.

II. Capacity building assistance (Rec: 85.21)

2. Nauru has to date sought and received support for capacity building from the Office of the High Commissioner for Human Rights, Pacific Regional Office. Nauru will continue to seek assistance from UN agencies and regional partners towards the implementation and fulfillment of its human rights obligations.

III. Legislative review and policy measures (Rec: 85.22, 85.24, 85.26, 85.49, 85. 50)

3. The Government of Nauru is committed to ensuring that the treaties ratified particularly CRC, CEADW and CRPD are incorporated in national laws. To this end, the Government of Nauru is working with relevant government departments and offices to ensure that principles contained in ratified treaties are incorporated in national police and laws. Additionally, the GON is working with its regional partners on the development of stand-alone domestic violence legislation. Discussions are also underway with regional and international organisations with regards the development of a specific stand-alone disability legislation.

IV. Working group on treaties (Rec: 85.27)

4. The Government of Nauru supports this recommendation and is currently supporting the Working Group on Treaties through the Department of Justice and Border Control and the Department of Foreign Affairs and Trade. Financial and human resource support from the two departments is currently being used to support the work Of the Working Group on Treaties.

V. National human rights institution (Rec: 85.28, 85.29, 85.30)

5. The Government of Nauru supports this recommendation and is holding discussions with regional and international partners on the establishment of a national human rights institution. Additionally, the model or the institution will depend on the outcomes of our discussions with local communities, relevant partners, and stakeholders including government. This is expected to begin formally in the second quarter of 2016. Partners identified in the development of the national human rights institution includes and is not limited to OHCHR, APF, PIFS and SPC.

VI. Women's rights and domestic violence (Rec: 85.36, 85.37, 85.38, 85.39, 85.40, 85.41, 85.42, 85.43, 85.44, 85.45)

6. The Government of Nauru supports this recommendation and in partnership with UNDP MCO recently completed a one week meeting on Women's Practice Parliament with the aim of encouraging more women to stand in the upcoming and future elections.

7. Currently, discussions are being held by the Department of Women and the Secretariat of the Pacific Community with regards to the development of standalone domestic violence legislation. Consultations have been held with relevant government departments and civil society organisations with regards the stand alone domestic violence legislation.

8. Further, there exists a Nauru Women's Plan of Action which is aimed at improving the quality of women's lives in Nauru. The National Plan of Action has identified 16 thematic issues that aim to improve the lives of women in Nauru of which eliminating violence against women is a key theme.

9. The new Criminal Code will contain provisions that aim at reducing violence in any form or manner including gender based violence.

VII. Special Rapporteur and mandate holders (Rec: 85.34, 85.35)

10. The Government of Nauru supports this recommendation and has extended an open invitation to all mandate holders to visit Nauru. Representatives of the GON met with officials of Special Rapporteur and mandate holders in 2015 and offered invitations to visit Nauru. To date we have received invitations from the Special Rapporteur on the Human Rights of Migrants and the Chairperson- Rapporteur of the Working Group on the use of mercenaries and have considered them favorably. The Department of Justice and Border will be responsible for organizing visits and meetings of SR and mandate holders in Nauru.

VIII. Children's rights (Rec: 85.23, 85.31, 86.2)

11. The Government of Nauru supports this recommendation. A dedicated Division of Child Protection Services was established in 2015 aimed at providing stronger, consistent and efficient technical, policy and support service on children's issues in Nauru. The newly established Division of Child Protection Services is currently resourced and housed by the Ministry of Home Affairs Three government positions are now in place and deals exclusively with matters relating to children in Nauru – Director of Child Protection, Senior Protection Officer, and Child Protection Officer. Additionally, the Division of Child Protection Services has the mandate of establishing national systems and processes to respond effectively and efficiently to cases of child abuse and neglect.

12. Furthermore, additional work and support will continue to ensure that the principles of CRC are incorporated in national laws and policies.

IX. Disability (Rec: 85.26)

13. The Government of Nauru supports this recommendation and will be working with international and regional partners on the development of specific standalone disability legislation. To date discussions are ongoing between the Pacific Islands Forum Secretariat and the UNESCAP on the development of stand-alone disability legislation.

X. Health and education (Rec: 85.52)

14. The Government of Nauru supports this recommendation and will continue to work with the Department of Education and the Department of Health to strengthen its programs and social policies, paying particular attention to the fields of education, health and nutrition, giving priority to the neediest sectors of the population. The GON will also ensure that proper human and financial resources are provided to ensure due recognition towards this recommendation.

XI. Climate change (Rec: 85.53, 85.54, 85.55, 85.56, 85.57, 85.58)

15. The Government of Nauru supports this recommendation and will continue to work with the relevant department in ensuring that its commitment to the UNFCC is facilitated and that a human rights dimension is added to the ongoing and future work on climate change. The GON is committed to ensuring that adequate human and financial resource is provided to allow the Climate Change unit to function effectively and to provide quality service on national activities regarding climate change. Additionally, the GON will continue to seek assistance from regional and international organisations to assist with the implementation of the UNFCC and its own national climate change agenda.

XII. Report of the Subcommittee on the Prevention of Torture (Rec: 87.2)

16. The Government of Nauru notes this recommendation and will make public the report upon submission, discussions with cabinet and the relevant government departments.

XIII. Decriminalize same sex (Rec: 87.3, 87.4, 87.5, 87.6, 87.7, 87.8)

17. The Government of Nauru notes the recommendation made with regards decriminalizing sexual behavior between consenting adults of the same sex. In this regard the Government of Nauru would like to reiterate that Nauru is Christian state and as such will maintain its religious doctrines when dealing with issues relating to the recommendations made. Furthermore, the Government of Nauru will work with community leaders, advocates, and civil society organisations to ensure that awareness programmes and advocacy are facilitated to ensure that the citizens of Nauru are informed and educated on the issues relating to the given recommendations. The Government of Nauru will continue to seek assistance from the international community with regards educating our communities with regards the above recommendations. Additionally, the Criminal Code does not criminalise sexual behavior between consenting adults of the same sex in private. Internal discussion and consultations with relevant stakeholders are being planned on the revision of the criminal code to consider the issue raised in the given recommendation.

XIV. Abolish the death sentence (Rec: 87.9, 87.10, 87 .11)

18. The GON notes this recommendation – the Constitutional provision on the death penalty has not been invoked by Nauru. Parliament has yet to invoke a law on the death penalty and it is unlikely given its commitment and signing of the International Covenant on Civil and Political Rights and the Second Optional Protocol to ICCPR. The Government of Nauru will continue to work with relevant authorities and departments in the removal of the death penalty. Additionally, Parliament will need to agree for a Bill requiring the

amendment of Article 4 of the Constitution and getting the required two third (2/3) for parliamentary approval. Additionally, national consultation will need to be conducted before a final debate in Parliament is made on the issue. The Government of Nauru notes the recommendation and will work on the removal of the death penalty after normal constitutional process, and national consultation has been followed. It is envisaged that this will be progressively realized upon further consultation with government and relevan stakeholders.

XV. Regional Processing Centre (Rec: 87.12)

19. The Government of Nauru supports the recommendation would like to inform the Human Rights Council that the Regional Processing Centre is compliant with international norms, standards and guidelines. The Government of Nauru would like to state that places of detention currently available in Nauru do follow the UN Minimum Standards Rules for the Treatment of Prisoners – this is applicable to the prisons and police detention centres.

XVI. Enjoyment of the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association (Rec: 87.1, 87.13)

20. The Government of Nauru notes this recommendation and would like to ensure this august body that the enjoyment of the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association is enjoyed by Nauruans. The GON will work with the relevant department to ensure that the recommendation made with regards the right to freedom of opinion and expression and the right to peaceful assembly and association is enjoyed. Additionally, the GON is aware of the controversy surrounding Section244A of the Criminal Code and would like to reiterate that the we will need to further consult on the section before making amendments. The laws of Nauru will take precedence as it is in line with our commitments to creating a safe and protective environment for our nations and its people.

XVII. Access to the internet (Rec: 87.14)

21. The Government of Nauru notes this recommendation would like to inform the Human Rights Council that internet is free and made available to the people of Nauru including foreigners.

XVIII. Visa fees for foreign journalists (Rec: 87.15, 87.16)

22. The Government of Nauru notes the recommendation and would like to inform this august body that it will in due course discuss this more before a definite position is made with regards the recommendation made.

XIX. Legislative framework that protects activists in the civil society against reprisals, in particular journalists and human rights defenders (Rec: 87.17)

23. The Government of Nauru notes this recommendation and is calling on international community to provide support in this area.

XX. Independence of the judiciary (Rec: 87.18)

24. The Government of Nauru notes the recommendation provided on the independence of the judiciary and would like to inform the Human Rights Council that the judiciary is independent and functioning. The judiciary is headed by a Chief Justice and support from two judges and resident magistrate. The judiciary functions independently with its own staff who work directly for the judiciary. The daily functions, mandate and work of the judiciary are the responsibility of the Chief Registrar. The Chief Justice acts and functions independently and in accordance with his constitutional duties.

XXI. Asylum seekers, refugees and migrants (Rec: 87.19, 87.20, 87.21, 87.22, 87.23, 87.24, 87.25, 87.26, 87.27, 87.28, 87.29)

25. The Government of Nauru notes the recommendation made and would like to inform the Human Rights Council that protection and support is provided for refugees currently in Nauru. The Community liaison Officers employed by the GON acts as a conduit between government, communities and the refugee community in Nauru. Social support is provided by the government of Nauru and other contracted social services organisations. This has been ongoing since the inception of the Regional Processing centre. The GON would also like to reiterate that it operates an open centre where by asylum seekers and refugees are able to move freely in Nauru.

26. Additionally, the GON has received visits from the Sub Committee on CAT. In addition the GON has allowed visits to the centres for the OHCHR Pacific Regional Office. The GON is expecting more visits from special mandate holders in 2016 and 2017.

27. The GON together with Transfield provides and maintains improvements to the physical conditions of housing for refugees and also employs the services of Transfield to provide adequate security at all the places of accommodation for refugees and asylum seekers. The GON would also like to state that both refugees and asylum seekers are free to move about in the community and have also been employed in local businesses, and, have started operating their own businesses.

28. Transfield Services' Welfare team provide education, recreation and cultural programs and activities within Regional Processing Centre 2 and more recently into Regional Processing Centre 3. The delivery within Regional Processing Centre 3 is supplementary to the current programs and activities that are on offer by Save the Children. The purpose of the case management and meaningful activities program is to ensure the well-being of transferees so that they can remain engaged with their status resolution process. These services form part of a holistic, integrated approach to maintaining the wellbeing of the centre and its people.

29. The GON would like to state that unaccompanied minors are under the guardianship and protection of the Minister for Justice and Border Control. Children are enrolled and attend local schools in Nauru. They are afforded the same treatment as other Nauruan children in relation to education, health, sports and other related activities.

30. Additionally, protection for women from gender based violence is provided through the Nauru Police Force with support from the Australia Police Force and other service providers. The GON is committed to ensuring that women refugees are given the same priority as Nauruan women in relation to gender based violence. Refugee women have access to the women's shelter that is currently housed under the Department for Women.